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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Niko Drakoulis

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10/06/2004

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EXAMINER

FAULK, DEVONA E

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,129

Applicant(s)

DRAKOULIS ET AL.

Examiner

Devona E. Faulk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 13, 14 and 16-21, 23, 24, 26 is/are rejected.
- 7) ☒ Claim(s) 10, 12, 15, 22 and 25 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: it does not include the signatures of the inventors and the date.

Claim Rejections - 35 USC § 112

2. Claim 4 recites the limitation "connector coupled to one of the housings" in line 5. There is insufficient antecedent basis for this limitation in the claim. Nowhere in the claims 1-3 has the applicant recited that there is more than one housing

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-3,5,6,13,18-20,26** are rejected under 35 U.S.C. 102(b) as being anticipated by McGreevy (U.S. Patent 5,319,716).

Regarding **claim 1**, McGreevy discloses a method for generating audio sounds on a radio frequency audio sound generator from a remote audio signal source, comprising providing a housing, supplying an audio signal storage media in the housing and generating audio signals from the audio signal storage media (Wireless CD/Automobile radio adapter; FM transmitter

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connected at output of CD player; See abstract; column 1, lines 50-64). The above named elements are inherent to the CD player. McGreevy further discloses generating a first frequency radio frequency carrier signal from an oscillator (36; column 2, lines 58-63); modulating the audio signals on the first frequency radio frequency carrier signal (18); and transmitting the first frequency radio frequency carrier signal with the modulated audio signals to a radio frequency audio signal demodulator in a remote radio frequency receiver for broadcast of the audio signals (52; See Abstract; column 3, lines 1-16). The method is inherent in the functionality of the wireless compact disc stereo playback system.

All elements of **claim 2** are comprehended by claim 1.

All elements of **claim 3** are comprehended by claim 2.

All elements of **claim 5** are comprehended by claim 1.

All elements of **claim 6** are comprehended by claim 1.

All elements of **claim 13** are comprehended by claim 1.

Regarding **claim 18**, McGreevy discloses a wireless audio transmitter apparatus coupling an audio player having an audio signal output to an audio receiver capable of outputting audio signals at a first frequency (wireless CD/Automobile radio adapter; See abstract), comprising a portable housing, a connector coupled to the housing and adapted for coupling the audio output signal from an audio player to a radio frequency oscillator carried in the housing, the radio frequency oscillator generating a radio frequency carrier; a radio frequency modulator carried in the housing for modulating the audio signal output of the audio player on the radio frequency carrier; and an antenna carried on the housing and coupled to the modulator for wirelessly transmitting the modulated signal to a remote audio receiver.

All elements of **claim 19** are comprehended by claim 18. McGreevy's (54) reads on a radio frequency selector as claimed (column 3, lines 2-6).

All elements of **claim 20** are comprehended by claim 19. McGreevey's (54) is manually controller. It is inherent therefore that the frequency selector is provided externally on the housing (column 3, lines 2-7).

Regarding **claim 26**, McGreevy discloses a method for generating audio sounds on a radio frequency audio sound generator from a remote audio signal source, comprising the steps of providing a first housing; supplying an audio signal storage media in the first housing; generating audio signals from the audio signal storage media in the first housing. (Wireless CD/Automobile radio adapter; FM transmitter connected at output of CD player; See abstract; column 1, lines 50-64). The above named elements are inherent to the CD player. McGreevy further discloses providing a second housing (wireless/CD Automobile adapter); generating a first frequency radio frequency carrier signal form an oscillator carried in the second housing (38); connecting the first housing to the second housing in electrical signal communication; modulating the audio signals onto the first frequency radio frequency carrier signal; and transmitting the first frequency radio carrier signal with the modulated audio signals to a radio frequency audio signal demodulator in a remote radio frequency receiver for broadcast of the audio signals.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over McGreevy (U.S. Patent 5,319,716) in view of Bauer (U.S. Patent 5,832,438).

Claim 7 claims the method of claim 1 further comprising the steps of providing a cable carrying first and second stereo channel signal conductors and a signal ground conductor, the first and second conductors connected at one end to a stereo encoder and at the other end to a connector; and electrically connecting the connector to an audio output connector on the audio signal generator. As stated above apropos of claim 1, McGreevy meets all elements of that claim. Therefore, McGreevy meets all elements of claim 7 with the exception of the claimed matter. Bauer discloses a cable carrying first and second stereo channel signal conductors (82; Figure 2) and the conductors connected at one end to a stereo encoder (77) and at the other end to a connector (column 4, lines 15-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Bauer's concept of a cable as claimed in order to receive stereo signals from the outputs of other audio electronic equipment.

All elements of **claim 9** are comprehended by claim 7. There is obviously a recess as claimed.

7. **Claims 8, 11, 14, 16, 17, 21, 23 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over McGreevy (U.S. Patent 5,319,716) in view of Bauer (U.S. Patent 5,832,438) in further view of Schwab (U.S. Patent 4,845,751).

Claim 8 claims the method of claim 7 further comprising the steps of providing antenna conductor in the cable and connecting the antenna conductor to the transmitter in the housing. As stated above apropos of claim 7 the combination of McGreevy and Bauer meets all elements

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of that claim. Therefore the combination meets all elements of claim 8 with the exception of the claimed matter. Bauer discloses a cable carrying first and second stereo channel signal conductors (82; Figure 2) and a ground conductor (column 4, lines 15-20). Although he discloses a cable carrying a first and second stereo channel conductor and a ground conductor, Bauer fails to disclose an antenna conductor. However the concept of a multi-conductor cable having an antenna conductor was well known in the art the time of filing as taught by Schwab. Schwab discloses a multi-conductor adapter having an antenna conductor (Figure 3; column 2, lines 33-45) . Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use Bauer's concept of a cable as claimed in order to receive stereo signals from the outputs of other audio electronic equipment and Schwab's concept of a multi-conductor cable having an antenna conductor in order to transmit the output of the transmitter.

All elements of **claim 11** are comprehended by claim 8. (See Schwab, Figure 2; column 2, lines 35-37). Therefore, claim 11 is rejected for reasons given above apropos of claim 8.

Claim 14 claims the apparatus of claim 13 further comprising a multi-conductor cable extending from the housing and carrying conductors, and the conductors including first and second conductors for first and second stereo channel audio signals, a signal ground conductor and the antenna conductor. As stated above apropos of claim 13, McGreevy meets all elements of that claim. Therefore, McGreevy meets all elements of claim 14 with the exception of the claimed matter. Bauer discloses a cable carrying first and second stereo channel signal conductors (82; Figure 2) and a ground conductor (column 4, lines 15-20). Although he discloses a cable carrying a first and second stereo channel conductor and a ground conductor, Bauer fails to disclose an antenna conductor. However the concept of a multi-conductor cable

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having an antenna conductor was well known in the art the time of filing as taught by Schwab. Schwab discloses a multi-conductor adapter having an antenna conductor (Figure 3; column 2, lines 33-45) . Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use Bauer's concept of a cable as claimed in order to receive stereo signals from the outputs of other audio electronic equipment and Schwab's concept of a multi-conductor cable having an antenna conductor in order to transmit the output of the transmitter.

All elements of **claim 16** are comprehended by claim 14. Therefore, claim 16 is rejected for reasons given apropos of claim 14.

All elements of **claim 17** are comprehended by claim 14. There is obviously a recess formed for McGreevy's adapter. Therefore, claim 17 is rejected for reasons given above apropos of claim 17.

Claim 21 claims the apparatus of claim 20 wherein the connector comprises a multi-conductor cable extending from the housing and carrying first and second conductors for first and second conductors for first and second stereo channel audio signals, a third conductor for a signal ground, and a fourth conductor for the antenna. As stated above apropos of claim 20, McGreevy meets all elements of that claim. Therefore, McGreevy meets all elements of claim 21 with the exception of the claimed matter. Bauer discloses a cable carrying first and second stereo channel signal conductors (82; Figure 2) and a ground conductor (column 4, lines 15-20). Although he discloses a cable carrying a first and second stereo channel conductor and a ground conductor, Bauer fails to disclose an antenna conductor. However the concept of a multi-conductor cable having an antenna conductor was well known in the art the time of filing as taught by Schwab. Schwab discloses a multi-conductor adapter having an antenna conductor (

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Figure 3; column 2, lines 33-45) . Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use Bauer's concept of a cable as claimed in order to receive stereo signals from the outputs of other audio electronic equipment and Schwab's concept of a multi-conductor cable having an antenna conductor in order to transmit the output of the transmitter.

All elements of **claim 23** are comprehended by claim 21. Therefore, claim 23 is rejected for reasons given above apropos of claim 21.

All elements of **claim 24** are comprehended by claim 23. Therefore, claim 24 is rejected for reasons given above apropos of claim 23.

Claim Objections

8. **Claims 10,12,15, 22,25** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 703-305-4359. The examiner can normally be reached on 8 am - 5 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER